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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,211	08/16/2001	Mathrubootham Janakiraman	MS#172026.01 (5211)	2348
38779 7590 05/30/2008 SENNIGER POWERS LLP (MSFT) ONE METROPOLITAN SQUARE, 16TH FLOOR ST. LOUIS, MO 63102				
EXAMINER				
NAWAZ, ASAD M				
ART UNIT		PAPER NUMBER		
2155				
NOTIFICATION DATE		DELIVERY MODE		
05/30/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

09/931,211

Applicant(s)

JANAKIRAMAN ET AL.

Examiner

ASAD M. NAWAZ

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-16, 18 and 24-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-16, 18 and 24-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment filed on 2/20/08. Claims 10 and 24 were amended. No other claims have been amended, added, or canceled. Accordingly, claims 10-16, 18, and 24-35 are pending.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10-16, 18, and 24-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the outcome". There is insufficient antecedent basis for this limitation in the claim. Further limitations of claim 1 that do not have proper antecedent basis include "data information" and "control information". Claim 24 includes limitations that lack antecedent basis such as "the conference" (although multimedia conference is present, variations must be specifically pointed out), "multimedia conference data" (there is multimedia conferencing data), "the data information", "the control information", and "the received multimedia conferencing data". Appropriate corrections are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-16, 18, and 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandvoss et al (USPN 5745380) further in view of Okamura (USPN 6178424).

As to claim 10, Sandvoss teaches a system for conducting a multimedia conference comprising;

A plurality of participants each providing multimedia conferencing data including a video signal and an audio signal; a client in conference with the participants, the client capable of receiving the video signal corresponding to one of the participants at a time; (col 2, lines 40-65) a participant selection control parameter stored in a memory for tuning a video switching behavior wherein the participant selection control parameter affects the outcome of a weight computation, said participant selection control parameter being specified when the multimedia conference is set up and indicating a static display constraint on a selection of a video signal; (abstract; col 2, lines 52-65; col 5, lines 56-67) periodically updating the activity state for each participant according to changes in the data information and the control information of the participant;s video signal and audio signal; computing weight for each of the participants based on the

activity state variable of said each participant (col 3, lines 1-13) identifying a participant having a highest weight among the participants (col 3, lines 1-13) and selecting from the video streams in the multimedia conferencing data received from the participants, one video stream corresponding to the identified participant having the highest weight for viewing by the client (abstract; col 3, lines 10-13)

However, Sandvoss does not explicitly indicate providing a participant state table indicating an activity state variable for each participant and assigning a predetermined weight to at least a participant for a duration previously set.

Okamura teaches providing a participant state table indicating an activity state variable for each participant and assigning a predetermined weight to at least a participant for a duration previously set (abstract, col 2, lines 14-41). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Okamura into those of Sandvoss to make the system better organized. The system will execute more efficiently if all the data were to be gathered into one data structure rather than multiple ones.

As to claims 11 and 12, Sandvoss teaches wherein the multiple participants are connected to the bridge server through a multicast network and performing the step of transmitting to the client an audio stream containing a mixture of audio signals from the multiple participants of the network conference (col 2, lines 52 to col 3, line 13)

As to claims 13-16, 34-35 Sandvoss teaches wherein the step of computing the weight includes determining whether said each participant is currently being shown to a client and determining a length of time from which said each participant has been

shown to the client if said each participant is currently being shown (col 5, lines 56-67) computing the wight includes determining whether said each participant is talking (col 5, lines 56-67), and computing the weight includes determining a length of time for which said each participant has not been shown to the client (col 6, lines 10-12).

As to claim 18, Sandvoss teaches wherein the multimedia streams include a combined video stream containing multiple substreams corresponding to one of the multiple participants and wherein the receiving comprises demuxing the combined video stream into a plurality of individual streams (Figs 3-5; col 2, line 40 to col 3, line 13)

Claims 24-33 contain similar limitations as the above-rejected claims and thus are rejected under similar rationale.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155